

PUNJAB STATE INFORMATION COMMISSION
RedCrossBuilding, Near RoseGarden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
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Sh.Surinderjit Singh, (8872229655, 9872704655)

Late Sh.Gurucharan Singh Village ChakWasan,
PO Bham, Tehsil Batala, Block,
Sh.Hargobindpur, Distt. Gurdaspur.

Complainant

Versus

Regt. Post. Public Information Officer

O/o Panchayat Secretary, Gram
Panchayat, ChakWasanBlock,
Sri Hargobindpur, DisttGurdaspur.

Respondent

Regt. Post. Public Information Officer

O/o BDPO, Panchayat Seceretary,
Sri Hargobindpur, Distt Gurdaspur

Complaint Case No.: 1141 of 2018
(Cisco Webex Proceedings)

Present: Complainant :Sh. Surinderjit Singh

Respondent: Absent

ORDER

1. This order may be read with the previous order dated 20.07.2020 vide which the following observations were made:-

- a) the respondent-Public Information Officer never attended the hearings in the Commission i.e. on **06.02.2019, 03.04.2019, 03.09.2019, 12.02.2020, 17.03.2020 and 20.07.2020** nor any submissions have been made.
- b) the foremost department of this case i.e. O/o BDPO Sri Hargobindpur, Distt. Gurdaspur who had further transferred this case to O/o Panchayat Secretary, Gram, Panchayat, ChakWasan Block, Sri Hargobindpur, Distt. Gurdaspur was **implead as necessary party.**
- c) with reference to the order dated 12.02.2020, the respondent PIO was imposed with compensation of Rs 2,000/-. In order dated 03.04.2020 the Respondent PIO was issued a Show Cause Notice.

An opportunity under Section 20(1) proviso thereto, for a personal hearing through Cisco Webex is given to represent the case today i.e on 24.08.2020, but the respondent authority failed to do so.

2. Respondent PIO, is again not present.
3. Complainant Sh. Surinderjit Singh states no information and compensation is received so far.
4. In the view of above, it is observed that **non implementation and violation of the RTI Act has occurred number of times by the concerned respondent authority**, therefore the Commission must proceed with the procedure laid down in Section 20 of the Act to initiate penalty proceedings against errant PIO. Penalty of Rs.10,000/- is imposed on PIO of O/o Panchayat Secretary, Gram, Panchayat, ChakWasan Block, Sri Hargobindpur, Distt. Gurdaspur. The amount of penalty i.e. Rs. 10,000/- should be deducted from the salary

Complaint Case No.: 1141 of 2018
(Cisco Webex Proceedings)

of O/o Panchayat Secretary, Gram, Panchayat, ChakWasanBlock, Sri Hargobindpur, Distt. Gurdaspur and be deposited in the Government treasury under head 0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act.

5. The respondent PIO is also **directed to appear in person through Cisco Webex** along with directions to produce a copy of the cheque or demand draft along with copy of challan for penalty deposited and compensation paid to the appellant on the next date of hearing along with directions to provide copy of requisite information and/or written reply to the appellant, failing to which further action under section 20(1) of RTI would be enhanced against the respondent PIO.
6. The matter is adjourned for further hearing on **06.10.2020 at 11.00 AM through CISCO Webex.**
(Steps: Install Cisco Webex < Click on JOIN MEETING< Write Meeting number – 918232900)
7. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Dated: 24.08.2020

(Dr.Pawan Kumar Singla)
State Information Commissioner

Regt. Post. Public Information Officer
O/o Panchayat Secretary, Gram
Panchayat, ChakWasanBlock,
Sri Hargobindpur, DisttGurdaspur

(To ensure the compliance of this order before next date of hearing)

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Col Balwinder Singh Bajwa (Retd.),
S/o S. Daleep Singh Bajwa,
R/o 314, Green Valley Heights,
Krishanpura, Dhakoli,
Distt Mohali-160104..

Appellant

Versus

Public Information Officer
O/o Nodal Officer, Station Head Quarters,
Unchibassi, Distt Hoshiarpur.

First Appellate Authority
O/o RTI Cell HQ 21, Sub Area-908021

Respondents

Appeal Case No.: 664 of 2020
Cisco Webex Proceedings

Present: Appellant : Col Balwinder Singh
Respondent: Col. V. Thapa

ORDER

1. This order may be read with the previous order dated 15.07.2020 vide which both the parties were advised to represent this case on next date of hearing i.e today.
2. Appellant Col Balwinder Singh **claimed** that inspite of allowing me to continue in service uptill 03.12.2018 salary has not been paid to him. He has sought for a copy or extract from board proceedings for employment of OIC Polyclinics ECHS Talwara Station Head Quarters Unchibassi on the basis of selection process conducted on 18.05.2018, showing marks awarded and order of merit of all candidates appeared in selection process.
3. The representative of respondent PIO, pleaded that the subject board proceedings (as sought by the appellant)cannot be provided to the appellant keeping in mind the **confidentiality of details of appointments in chain**. A letter dated 15.07.2020 vide diary no. 8406 is received in the Commission wherein the more detail about the case is mentioned. This letter is headed as "RESTRICTED". This letter is taken on record with all supporting enclosures.
4. The Commission has carefully considered the submissions of the parties. Following observations were found in the aforementioned case and some deficiencies is pointed in submission done by the respondent authority :-
 - Respondent PIO, denied to provide the sought information u/s 8(1)(e) and u/s 8(1)(j) of RTI Act 2005.
 - Appellant authority has upheld the reply of PIO and accordingly disposed of the case.
 - High Court of Punjab and Haryana and Chandigarh order dated 02.05.2019 vide which the case was Dismissed as the instant petition was withdrawn by the petitioner Sh. Balwinder Singh Bajwa.
 - Writ petition regarding the Appellant non –selection vide his application no. BSB/Pers/16624W dt 03.10.2018 is **not attached** in the submissions made by the Respondent authority as it is mentioned that "Copy att".
 - Withdrew letter of appellant vide letter no.BSB/Pers/16624W dated 27.07.2018 is **not attached** in the submissions made by the Respondent authority as it is mentioned that "Copy att".

Appeal Case No.: 664 of 2020
Cisco Webex Proceedings

Another opportunity is given to both the parties to present the case on next date of hearing positively with the directions to the respondent authority make good of deficiencies pointed out by the Commission.

5. Matter is adjourned till next date of hearing i.e. on **06.10.2020** through **Cisco Webex at 11:00 A.M**

(Steps: Install Cisco Webex < Click on JOIN MEETING< Write Meeting number – 918232900)

6. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Dated: 24.08.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Dilbag Chand (NaibSubedar Retd.)

S/o Sh. Ramji Das, Village Hayatpur,
PO Habowal, Tehsil Samrala,
District Ludhiana.(98144-14473 & 94632-62669)

Appellant

Versus

Public Information Officer

O/o DDPO Ludhiana.

Public Information Officer

O/o Rural Development and Panchayat Office,
VikasBhawan, Sector-62,
Mohali (Branch RDI-1)

Public Information Officer

O/o Rural Development and Panchayat Office,
VikasBhawan, Sector-62,
Mohali (Branch RDI-4)

Public Information Officer

O/o Rural Development and Panchayat Office,
VikasBhawan, Sector-62,
Mohali (Branch RDI-2)

First Appellate Authority

O/o DDPO Ludhiana.

Respondent

Appeal Case No.: 2263 of 2019
(Cisco Webex Proceedings)

Present: Appellant : Sh. Dilbag Chand

Respondent: Ms. Kamaljit Kaur (9876025549)

ORDER

1. This order may be read with the previous order dated 20.07.2020 vide which last and final opportunity was given to the respondent to represent this case on the next date of hearing to clear the facts.
2. Respondent, Ms.Kamaljit Kaur pleaded that sought information pertaining to point no.1 is personal information of Ms. Sarabjit Kaur who had shown is dissent in providing her personal information. A reply regarding this point has been sent to the appellant dated 29.07.2020 with letter bearing no. RTI 2/2834. A copy of which is recived in the Commission dated 31.07.2020 vide diary no. 9290. Further, She added that information pertaining to point 4 is in question form which is denied under RTI Act 2005. A letter dated 07.08.2020 vide diary no. 9594 is received in the wherein the same is mentioned.
3. Appellant Sh. Dilbag Chand is present for today's hearing and states that he is not satisfied with the reply of respondent authority.
4. After hearing the parties and on perusal of the relevant documents on file, the Commission found reason to **disagree with the replies of the respondent**; regarding providing information in point no. 4 of RTI application as it can't be exempted u/s 2(f) of RTI Act 2005. **Any questions qualified as information as per sub-section (f) of section (2) of RTI Act, can be asked.** The respondent authority is directed to furnish the **information sought (Pt.2,3,4), except** point no. 1 (Third party information).

Appeal Case No.: 2263 of 2019
(Cisco Webex Proceedings)

In addition the respondent authority is directed to comply with the order dated 04.03.2020 vide which the RDI-1 and RDI-4 was directed to file a show cause under section 20(1).

5. The matter is adjourned for further hearing on **06.10.2020 at 11.00 AM through CISCO Webex.**

(Steps: Install Cisco Webex < Click on JOIN MEETING< Write Meeting number – 918232900)

6. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Dated: 24.08.2020

(Dr.PawanKumarSingla)
State Information Commissioner

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Sh. Jatin Kumar Gupta(9417200289)
Room No 3, New Bar Complex,
Punjab & Haryana High Court, Chandigarh.

Appellant

Sh.JatinKumarGupta(9417200289)
#3, New Vikas Nagar,
Zirakpur-140601

Versus

Public Information Officer (By Name)
O/o BDPO, Guruharsahai,
DisttFerozpur.

First Appellate Authority
O/o DDPO, Ferozepur.

Respondent

Appeal Case No.: 2165 of 2018
(Cisco Webex Proceedings)

Present: Appellant : Sh. RajinderKr. Gupta behalf of appellant Sh. Jatin Kr. Gupta
Respondent: Sh. Sukhdeep Singh , Panchayat Secretary, (9779709700)

ORDER

1. This order may be read with the previous order dated 20.07.2020 vide which respondent, Sh. Sukhdeep Singh states that he had already supplied the information available in the office record. Further, appellant was ordered/advised to approach/visit respondent Public Information Officer to get the record inspected.
2. Appellant's representative, Sh. Rajinder Kr. Gupta states that the performa is not filled and the information related to some proceeding is not supplied.
3. On this, the respondent Sh. Sukhdeep Singh pleaded that it's not necessary that every proceedings takes it depends on the requirement of the office. Secondly he added that he would fill the performa and will send it to the appellant.
4. After hearing both the parties and going through the records placed in the case file, the and respondent PIO directed to provide the copy of performa duly filled to the appellant. Another opportunity is given to both the parties to represent this case on the next date of hearing to clear the facts, failing to which case will be decided on merit basis.
5. The matter is adjourned for further hearing on **21.09.2020 at 11.00 AM through CISCO Webex.**
(Steps: Install Cisco Webex < Click on JOIN MEETING< Write Meeting number – 918232900)
6. Announced in the Court, copy of the order to be sent to the parties.

Chandigarh
Dated: 24.08.2020

(Dr.PawanKumarSingla)
State Information Commissioner